

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 552

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

AN ACT

RELATING TO SPECIAL DISTRICTS; ENACTING THE INFRASTRUCTURE  
DEVELOPMENT ZONE ACT; PROVIDING FOR THE CREATION OF  
INFRASTRUCTURE DEVELOPMENT ZONES AND ELECTED BOARDS; PROVIDING  
POWERS AND DUTIES; AUTHORIZING INFRASTRUCTURE DEVELOPMENT ZONES  
TO PROVIDE SERVICES PURSUANT TO AN APPROVED SERVICE PLAN;  
AUTHORIZING BOARDS TO ISSUE BONDS AND TO ENTER INTO OTHER DEBT  
OBLIGATIONS; AUTHORIZING BOARDS TO LEVY PROPERTY TAXES AND  
ASSESSMENTS, FEES, TOLLS AND OTHER CHARGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Infrastructure Development Zone Act".

Section 2. DEFINITIONS.--As used in the Infrastructure  
Development Zone Act:

A. "approving authority" means the governing body

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1 required by Section 9 or 13 of the Infrastructure Development  
2 Zone Act to designate an election official to conduct the  
3 organization election and exercise other duties pursuant to  
4 that act;

5 B. "board" means the board of directors of an  
6 infrastructure development zone;

7 C. "director" means a member of a board;

8 D. "eligible elector" means a person who is  
9 registered to vote in New Mexico and who:

10 (1) has been a resident of the infrastructure  
11 development zone or the area to be included in the  
12 infrastructure development zone for not less than thirty days;  
13 or

14 (2) is a taxpaying elector;

15 E. "governing body" means the governing body of a  
16 municipality or the board of county commissioners of a county;

17 F. "infrastructure development zone" means a  
18 political subdivision organized or acting pursuant to the  
19 provisions of the Infrastructure Development Zone Act;

20 G. "publication" means printing one time, in one  
21 newspaper of general circulation in the infrastructure  
22 development zone or proposed infrastructure development zone if  
23 there is such a newspaper, and, if not, then in a newspaper in  
24 the county in which the infrastructure development zone or  
25 proposed infrastructure development zone is located. If an

1 infrastructure development zone has territory within more than  
2 one county and if publication cannot be made in one newspaper  
3 of general circulation in the infrastructure development zone,  
4 then one publication is required in a newspaper in each county  
5 in which the infrastructure development zone is located and in  
6 which the infrastructure development zone also has fifty or  
7 more eligible electors;

8 H. "regular election" means the election on the  
9 Tuesday succeeding the first Monday of May in every even-  
10 numbered year, held for the purpose of electing members to the  
11 board and for submission of other questions, if any;

12 I. "secretary" means the secretary of a board;

13 J. "services" means any improvements and facilities  
14 listed in this subsection and provided for in the service plan  
15 of an infrastructure development zone as approved by the  
16 governing body, including both on-site improvements and  
17 off-site improvements that directly or indirectly benefit the  
18 infrastructure development zone and necessary or incidental  
19 work, whether newly constructed, renovated or existing, and all  
20 necessary or desirable appurtenances. "Services" include:

21 (1) sanitary sewage systems, including  
22 collection, transport, storage, treatment, dispersal, effluent  
23 use and discharge;

24 (2) drainage and flood control systems,  
25 including collection, transport, diversion, storage, detention,

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1 retention, dispersal, use and discharge;

2 (3) water systems for domestic, commercial,  
3 office, industrial, irrigation, municipal, fire protection or  
4 other purposes, including production, collection, storage,  
5 treatment, transport, delivery, connection and dispersal;

6 (4) highways, streets, roadways, bridges,  
7 crossing structures and parking facilities, including all areas  
8 for vehicular use for travel, ingress, egress and parking;

9 (5) trails and areas for pedestrian,  
10 equestrian, bicycle or other nonmotor vehicle use for travel,  
11 ingress, egress and parking;

12 (6) pedestrian malls, parks, recreational  
13 facilities and open space areas for the use of members of the  
14 public for entertainment, assembly and recreation, including  
15 programming events for the community and public;

16 (7) landscaping, including earthworks,  
17 structures, lakes and other water features, plants, trees and  
18 related water delivery systems;

19 (8) public buildings, public safety facilities  
20 and fire protection and police facilities, subject to the  
21 consent of the approving authority;

22 (9) electrical and energy generation,  
23 transmission and distribution facilities, including solar, wind  
24 and geothermal;

25 (10) natural gas distribution facilities;

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1 (11) lighting systems;  
2 (12) cable or other telecommunications lines  
3 and related equipment, including fiber optic transmission  
4 facilities designed to carry communication signals such as  
5 voice, data and video;

6 (13) traffic control systems and devices,  
7 including signals, controls, markings and signage;

8 (14) public educational or cultural  
9 facilities;

10 (15) equipment, vehicles, furnishings and  
11 other personalty related to the items listed in this  
12 subsection;

13 (16) inspection, construction management and  
14 program management costs;

15 (17) solid waste and garbage collection and  
16 disposal; and

17 (18) economic development; and

18 K. "taxpaying elector" means a person:

19 (1) who, or whose spouse, owns taxable real or  
20 personal property within the infrastructure development zone or  
21 the area to be included in or excluded from the infrastructure  
22 development zone, whether the person resides within the  
23 infrastructure development zone or not; or

24 (2) who is obligated to pay taxes under a  
25 contract to purchase taxable property within the infrastructure

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1 development zone or the area to be included in or excluded from  
2 the infrastructure development zone, whether the person resides  
3 within the infrastructure development zone or not.

4 Section 3. ORGANIZATION OF INFRASTRUCTURE DEVELOPMENT  
5 ZONE--SUBMISSION OF SERVICE PLAN.--

6 A. An infrastructure development zone may be  
7 entirely within or entirely without, or partly within and  
8 partly without, one or more municipalities or counties, and an  
9 infrastructure development zone may consist of noncontiguous  
10 tracts or parcels of property within three miles of each other.

11 B. Persons proposing the organization of an  
12 infrastructure development zone shall submit a petition, a  
13 service plan and any required processing fee sufficient to  
14 defray the costs of the applicable county or municipality to:

15 (1) the governing body of each municipality  
16 within which lies any area within the proposed infrastructure  
17 development zone; and

18 (2) the governing body of each county in which  
19 lies any area within the proposed infrastructure development  
20 zone that is not within a municipality.

21 C. The petition shall be signed by not less than  
22 thirty percent or four hundred of the taxpaying electors of the  
23 proposed infrastructure development zone, whichever number is  
24 smaller. The petition shall set forth:

25 (1) the name of the proposed infrastructure

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1 development zone;

2 (2) a statement as to whether the proposed  
3 infrastructure development zone lies wholly or partly within  
4 another county, municipality or other infrastructure  
5 development zone;

6 (3) a description of the boundaries of the  
7 proposed infrastructure development zone or the territory to be  
8 included therein, with such certainty as to enable a property  
9 owner to determine whether or not the property owner's property  
10 is within the proposed infrastructure development zone;

11 (4) a request for the organization of the  
12 infrastructure development zone; and

13 (5) a request for the submission to the  
14 eligible electors of the proposed infrastructure development  
15 zone at the organization election of any questions permitted to  
16 be submitted at the organization election pursuant to Section  
17 10 of the Infrastructure Development Zone Act.

18 D. The service plan shall contain the following:

19 (1) a description of the proposed services;  
20 (2) a financial plan showing how the proposed  
21 services are to be financed, including the proposed operating  
22 revenue derived from property taxes for the first budget year  
23 of the proposed infrastructure development zone;

24 (3) a schedule of the proposed indebtedness  
25 for the proposed infrastructure development zone indicating the

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1 year or years in which the debt is scheduled to be issued;

2 (4) a preliminary engineering or architectural  
3 survey showing how the proposed services are to be provided;

4 (5) a map of the proposed infrastructure  
5 development zone boundaries and an estimate of the population  
6 and valuation for assessment of the proposed infrastructure  
7 development zone;

8 (6) a general description of the facilities to  
9 be constructed and the standards of the construction, including  
10 a statement of how the facility and service standards of the  
11 proposed infrastructure development zone are compatible with  
12 the facility and service standards of any county or  
13 municipality within the zoning jurisdiction of which all or any  
14 portion of the proposed infrastructure development zone is to  
15 be located;

16 (7) a general description of the estimated  
17 cost of acquiring land, engineering services, legal services,  
18 administrative services, initial proposed indebtedness and  
19 estimated proposed maximum interest rates and discounts, and  
20 other major expenses related to the organization and initial  
21 operation of the proposed infrastructure development zone;

22 (8) a description of any arrangement or  
23 proposed agreement with any political subdivision for the  
24 performance of any services between the proposed infrastructure  
25 development zone and the other political subdivision,

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1 including, if the form contract to be used is available, a copy  
2 of the contract; and

3 (9) such additional information as the  
4 governing body may require by resolution on which to base its  
5 findings pursuant to Section 7 of the Infrastructure  
6 Development Zone Act.

7 Section 4. PUBLIC HEARING REQUIRED.--

8 A. After receiving a petition and a service plan,  
9 the governing body shall set a date within ninety days for a  
10 public hearing on the petition and service plan of the proposed  
11 infrastructure development zone. The governing body, at the  
12 petitioners' expense, shall provide written notice of the date,  
13 time and location of the hearing to the petitioners, each  
14 resident or property owner of record within the boundaries of  
15 the proposed infrastructure development zone and the governing  
16 body of any existing county, municipality, school district or  
17 other political subdivision that has levied an ad valorem tax  
18 within the next preceding tax year and that has boundaries  
19 within a radius of three miles of the proposed infrastructure  
20 development zone boundaries, which governmental units shall be  
21 interested parties for the purposes of Subsection C of this  
22 section. Notice shall also be given to any person who has  
23 requested that notice be given for any petition filed pursuant  
24 to the Infrastructure Development Zone Act. The governing body  
25 shall make publication of the date, time, location and purpose

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1 of the hearing, the first of which shall be at least twenty  
2 days prior to the hearing date. The notice shall also include:

3 (1) a general description of the land  
4 contained within the boundaries of the proposed infrastructure  
5 development zone;

6 (2) information outlining methods and  
7 procedures for excluding territory from the proposed  
8 infrastructure development zone; and

9 (3) places, including web sites, where  
10 interested persons may obtain a copy of the petition and the  
11 service plan.

12 B. Not more than thirty days nor less than twenty  
13 days prior to the hearing held pursuant to this section, the  
14 petitioners for the organization of the proposed infrastructure  
15 development zone shall send notification by certified mail of  
16 the hearing to the property owners within the proposed  
17 infrastructure development zone as listed on the records of the  
18 county clerk on the date requested unless the petitioners  
19 represent one hundred percent of the property owners. The  
20 notification shall indicate that it is a notice of a hearing  
21 for the organization of an infrastructure development zone and  
22 shall indicate the date, time, location and purpose of the  
23 hearing, a general description of the type of services that are  
24 included in the service plan, the maximum mill levy, if any, or  
25 stating that there is no maximum that may be imposed by the

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1 proposed infrastructure development zone, and procedures for  
2 the filing of a request for exclusion pursuant to Section 6 of  
3 the Infrastructure Development Zone Act. The mailing of the  
4 notification by certified mail to all addresses within the  
5 proposed infrastructure development zone shall constitute a  
6 good-faith effort to comply with this subsection, and failure  
7 to notify all property owners by certified mail shall not  
8 provide grounds for a challenge to the hearing being held.

9 C. The hearing held by the governing body shall be  
10 open to the public, and a record of the proceedings shall be  
11 made at the expense of the petitioners. All interested parties  
12 shall be afforded an opportunity to be heard under such rules  
13 of procedure as may be established by the governing body. Any  
14 testimony or evidence that in the discretion of the governing  
15 body is relevant to the organization of the proposed  
16 infrastructure development zone shall be considered.

17 Section 5. OBJECTING PETITION--PLAN TO BE DISAPPROVED.--  
18 No service plan shall be approved if a petition objects to the  
19 service plan and is signed by the owners of taxable real and  
20 personal property, consisting of more than fifty percent of the  
21 total assessed value of all taxable real and personal property  
22 to be included in the proposed infrastructure development zone,  
23 is filed with the governing body no later than ten days prior  
24 to the hearing pursuant to Section 4 of the Infrastructure  
25 Development Zone Act, unless the property has been excluded by

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1 the governing body under Section 6 of that act.

2 Section 6. REQUEST FOR EXCLUSION.--

3 A. The governing body may exclude territory from a  
4 proposed infrastructure development zone prior to approval of  
5 the service plan. Any person owning property in the proposed  
6 infrastructure development zone who requests that the person's  
7 property be excluded from the infrastructure development zone  
8 prior to approval of the service plan shall submit the request  
9 to the governing body no later than ten days prior to the  
10 hearing held pursuant to Section 4 of the Infrastructure  
11 Development Zone Act. The petitioners who submitted the  
12 service plan shall have the burden of proving that the  
13 exclusion of the property is not in the best interests of the  
14 proposed infrastructure development zone. Any request for  
15 exclusion shall be acted upon before final action of the  
16 governing body pursuant to Section 7 of the Infrastructure  
17 Development Zone Act.

18 B. The governing board shall exclude property  
19 located within any home rule municipality in respect to which a  
20 request for exclusion has been filed by the municipality.

21 Section 7. ACTION ON PETITION AND SERVICE PLAN--  
22 CRITERIA.--

23 A. Within sixty days of a hearing held pursuant to  
24 Section 4 of the Infrastructure Development Zone Act, the  
25 governing body shall disapprove the service plan, approve the

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1 service plan as submitted or conditionally approve the service  
2 plan subject to the submission of additional information  
3 relating to or modifying the proposed service plan.

4 B. The governing body shall disapprove the service  
5 plan unless evidence, satisfactory to the governing body, is  
6 presented that:

7 (1) the required number of taxpaying electors  
8 of the proposed infrastructure development zone have signed the  
9 petition;

10 (2) there is sufficient existing or projected  
11 need for organized service in the area to be serviced by the  
12 proposed infrastructure development zone;

13 (3) the existing service in the area to be  
14 served by the proposed infrastructure development zone is  
15 inadequate for present or projected needs;

16 (4) the proposed infrastructure development  
17 zone will be capable of providing economical and sufficient  
18 service to the area within its proposed boundaries; and

19 (5) the area to be included in the proposed  
20 infrastructure development zone has, or will have, the  
21 financial ability to discharge the proposed indebtedness on a  
22 reasonable basis.

23 C. The governing body may disapprove the service  
24 plan if evidence, satisfactory to the governing body, and at  
25 the discretion of the governing body, is not presented that:

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1                   (1) adequate service is not, or will not be,  
2 available to the area through the municipality, county or other  
3 existing political subdivisions, including existing  
4 infrastructure development zones, within a reasonable time and  
5 on a comparable basis;

6                   (2) the facility and service standards of the  
7 proposed infrastructure development zone are compatible with  
8 the facility and service standards of each county or  
9 municipality within which the proposed infrastructure  
10 development zone is to be located;

11                   (3) the proposal is in substantial compliance  
12 with a master plan adopted pursuant to Section 3-19-9 NMSA  
13 1978;

14                   (4) the proposal is in compliance with any  
15 existing municipal, county, regional or state long-range water  
16 quality management plan for the area; or

17                   (5) the creation of the proposed  
18 infrastructure development zone will be in the best interests  
19 of the area proposed to be served.

20                   D. The governing body may conditionally approve the  
21 service plan of a proposed infrastructure development zone upon  
22 satisfactory evidence that it does not comply with one or more  
23 of the criteria enumerated in Subsection C of this section.  
24 Final approval shall be contingent upon modification of the  
25 service plan to include such changes or additional information

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1 as shall be specifically stated in the findings of the  
2 governing body.

3 E. The findings of the governing body shall be  
4 based solely upon the service plan and evidence presented at  
5 the hearing by the petitioners and any interested party.

6 Section 8. APPROVAL OF SERVICE PLAN--PETITION GRANTED--  
7 ELECTION SCHEDULED.--

8 A. If the service plan is approved as submitted,  
9 the governing body shall issue a resolution of approval to the  
10 petitioners. If the service plan is disapproved, the specific  
11 detailed reasons for the disapproval shall be set forth in  
12 writing. If the service plan is conditionally approved, the  
13 changes or modifications to be made in, or additional  
14 information relating to, the service plan, together with the  
15 reasons for the changes, modifications or additional  
16 information, shall also be set forth in writing, and the  
17 proceeding shall be continued until the changes, modifications  
18 or additional information are incorporated in the service plan.  
19 Upon the incorporation of the changes, modifications or  
20 additional information in the service plan of the proposed  
21 infrastructure development zone, the governing body shall issue  
22 a resolution of approval to the petitioners.

23 B. Upon the approval of the service plan by each  
24 governing body to which the service plan and petition were  
25 submitted, the petition shall be granted and the approving

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1 authority shall designate an election official to take the oath  
2 required of precinct board members and conduct an organization  
3 election pursuant to Sections 10 and 20 of the Infrastructure  
4 Development Zone Act, provided that no organization election  
5 shall be held if all of the eligible electors were petitioners  
6 and if there are no competing candidates for director  
7 positions.

8 C. Any interested party aggrieved by the decision  
9 of the governing body may appeal to the district court pursuant  
10 to Section 39-3-1.1 NMSA 1978.

11 Section 9. DESIGNATION OF APPROVING AUTHORITY.--

12 A. The approving authority shall be:

13 (1) for an infrastructure development zone  
14 located entirely within one county and outside a municipality,  
15 the governing body of that county;

16 (2) for an infrastructure development zone  
17 located entirely within a municipality, the governing body of  
18 that municipality;

19 (3) except as provided in Subsection B of this  
20 section, for an infrastructure development zone that is not  
21 described in Paragraph (1) or (2) of this subsection and of  
22 which the majority of its acreage lies outside a municipality,  
23 the governing body of the county containing the most acreage  
24 outside of a municipality; or

25 (4) except as provided in Subsection B of this

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1 section, for an infrastructure development zone that is not  
2 described in Paragraph (1) or (2) of this subsection and of  
3 which the majority of its acreage lies within a municipality,  
4 the governing body of that municipality.

5 B. For an infrastructure development zone that is  
6 not described in Paragraph (1) or (2) of Subsection A of this  
7 section, in lieu of the approving authority designated pursuant  
8 to Paragraph (3) or (4) of that subsection, all of the  
9 governing bodies that approved the petition and service plan of  
10 the infrastructure development zone may jointly designate a  
11 governing body, in the zoning jurisdiction of which lies any  
12 portion of the infrastructure development zone, as the  
13 approving authority.

14 Section 10. ORGANIZATION ELECTION.--

15 A. The election official designated by the  
16 approving authority shall conduct the organization election  
17 pursuant to this section and Section 20 of the Infrastructure  
18 Development Zone Act.

19 B. At the election, the eligible electors shall  
20 vote for or against the organization of the proposed  
21 infrastructure development zone, shall vote for five eligible  
22 electors of the infrastructure development zone who shall be  
23 the initial directors of the board of the infrastructure  
24 development zone, if organized and shall vote for or against  
25 general obligation bonds or other general obligations if the

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1 petition filed pursuant to Section 3 of the Infrastructure  
2 Development Zone Act requests that the questions be submitted  
3 at the organization election.

4 C. If the majority of the votes cast at the  
5 election are in favor of the organization, the approving  
6 authority shall, by resolution, declare the infrastructure  
7 development zone organized and give the infrastructure  
8 development zone the corporate name designated in the petition,  
9 by which it shall thereafter be known in all proceedings, and  
10 designate the first board elected. Thereupon the  
11 infrastructure development zone shall be a quasi-municipal  
12 corporation and a political subdivision of the state with all  
13 the powers thereof.

14 D. The resolution declaring the infrastructure  
15 development zone organized shall be deemed final and shall  
16 finally and conclusively establish the regular organization of  
17 the infrastructure development zone against all persons. No  
18 appeal or other remedy shall challenge the resolution except in  
19 an action by the attorney general within thirty days after the  
20 resolution is passed, and the organization of the  
21 infrastructure development zone shall not be directly or  
22 collaterally questioned in any suit, action or proceeding  
23 except as expressly authorized in this subsection.

24 Section 11. FILING RESOLUTION AND SERVICE PLAN.--Within  
25 thirty days after the effective date of the resolution

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1 declaring that an infrastructure development zone has been  
2 organized, the original petitioners shall file the resolution,  
3 the approved service plan and a map of the infrastructure  
4 development zone with the county clerk in each of the counties  
5 in which the infrastructure development zone is located and  
6 with the local government division of the department of finance  
7 and administration. Thereafter, the infrastructure development  
8 zone shall maintain a current, accurate map of its boundaries  
9 and shall file the map with each county clerk on or before  
10 January 1 of each year.

11 Section 12. SERVICE AREA OF INFRASTRUCTURE DEVELOPMENT  
12 ZONES--OVERLAPPING DISTRICTS.--

13 A. Except as provided in Subsection B of this  
14 section, no infrastructure development zone may be organized  
15 wholly or partly within an existing special district or  
16 infrastructure development zone that provides the same service;  
17 provided that nothing in this subsection shall prevent an  
18 infrastructure development zone that provides different  
19 services from organizing wholly or partly within an existing  
20 special district or infrastructure development zone.

21 B. An overlapping district may be authorized to  
22 provide the same service as the existing special district or  
23 infrastructure development zone that the overlapping district  
24 overlaps or will overlap if:

25 (1) where the service plan of the overlapping

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1 district is subject to approval by a governing body, the  
2 governing body having jurisdiction over the overlapping  
3 territory approves by resolution the inclusion of the service  
4 as part of the service plan of the overlapping district;

5 (2) the improvements or facilities to be  
6 financed, established or operated by the overlapping district  
7 for the provision of the same service as the existing special  
8 district or infrastructure development zone do not duplicate or  
9 interfere with any other improvements or facilities already  
10 constructed or planned to be constructed within the portion of  
11 the existing special district or infrastructure development  
12 zone that the overlapping district overlaps or will overlap;  
13 and

14 (3) the board of directors of any special  
15 district or infrastructure development zone authorized to  
16 provide a service within the boundaries of the overlapping area  
17 consents to the overlapping district providing the same  
18 service.

19 C. As used in this section:

20 (1) "overlapping district" means a new or  
21 existing special district or infrastructure development zone  
22 located wholly or partly within an existing special district or  
23 infrastructure development zone; and

24 (2) "special district" means any single or  
25 multipurpose district organized or that may be organized as a

1 local public body of this state for the purpose of constructing  
2 and furnishing any urban-oriented service that another  
3 political subdivision of the state is authorized to perform.

4 Section 13. APPROVAL BY AN ANNEXING MUNICIPALITY.--

5 A. If an infrastructure development zone that was  
6 not originally approved by the governing body of a municipality  
7 becomes wholly contained within the boundaries of a  
8 municipality by annexation, the board may petition the  
9 governing body of the municipality to accept a designation as  
10 the approving authority for the infrastructure development  
11 zone. The municipality may accept the designation through the  
12 adoption of a resolution of approval by the governing body of  
13 the municipality.

14 B. Upon the adoption of the resolution by the  
15 governing body of a municipality pursuant to Subsection A of  
16 this section, all powers and authorities vested in the  
17 approving authority pursuant to the Infrastructure Development  
18 Zone Act shall be transferred to the governing body of the  
19 municipality, which shall constitute the approving authority  
20 for the infrastructure development zone for all purposes under  
21 that act.

22 Section 14. SERVICE PLAN--COMPLIANCE--MODIFICATION--  
23 ENFORCEMENT.--

24 A. Upon the organization of an infrastructure  
25 development zone, the facilities, services and financial

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1 arrangements of the infrastructure development zone shall  
2 conform so far as practicable to the approved service plan.

3 B. After the organization of an infrastructure  
4 development zone, material modifications of the service plan as  
5 originally approved may be made by the board only by petition  
6 to and approval by each governing body that approved the  
7 original service plan or that became an approving authority  
8 under Section 13 of the Infrastructure Development Zone Act in  
9 substantially the same manner as is provided for the approval  
10 of an original service plan; but the processing fee for the  
11 modification procedure shall not exceed the reasonable and  
12 actual cost incurred by the governing body. The approval of  
13 modifications shall be required only with regard to changes of  
14 a basic or essential nature, including:

- 15 (1) an addition to the types of services  
16 provided by the infrastructure development zone;  
17 (2) a decrease in the level of services;  
18 (3) a decrease in the financial ability of the  
19 infrastructure development zone to discharge the existing or  
20 proposed indebtedness; or  
21 (4) a decrease in the existing or projected  
22 need for organized service in the area.

23 C. Approval for a modification is not required for  
24 changes necessary only for the execution of the original  
25 service plan or for changes in the boundary of the

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1 infrastructure development zone; except that the inclusion of  
2 property that is located in a county or a municipality with no  
3 other territory within the infrastructure development zone may  
4 constitute a material modification of the service plan or the  
5 statement of purposes of the infrastructure development zone.  
6 In the event that an infrastructure development zone changes  
7 its boundaries to include territory located in a county or a  
8 municipality with no other territory within the infrastructure  
9 development zone, the board shall notify the governing body of  
10 the county or municipality of the inclusion. The governing  
11 body may review the inclusion and, if it determines that the  
12 inclusion constitutes a material modification, may require the  
13 board to file a modification of its service plan in accordance  
14 with the provisions of this section.

15 D. No action may be brought to enjoin the  
16 construction of any facility, the issuance of bonds or other  
17 financial obligations, the levy of taxes, the imposition of  
18 rates, fees, tolls and charges or any other proposed activity  
19 of the infrastructure development zone unless the action is  
20 commenced within forty-five days after the board has published  
21 notice of its intention to undertake the activity. The notice  
22 shall describe the activity proposed to be undertaken by the  
23 infrastructure development zone and shall provide that any  
24 action to enjoin the activity as a material departure from the  
25 service plan shall be brought within forty-five days from

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1 publication of the notice. The notice shall be published one  
2 time in a newspaper of general circulation in the  
3 infrastructure development zone. On or before the date of  
4 publication of the notice, the board shall also mail the notice  
5 to each approving authority.

6 Section 15. INCLUSION OF TERRITORY--PROCEDURE.--

7 A. Additional territory may be added to an  
8 infrastructure development zone without an election pursuant to  
9 the following provisions:

10 (1) the boundaries of an infrastructure  
11 development zone may be altered by the inclusion of additional  
12 real property by the fee owners of one hundred percent of any  
13 real property capable of being served with facilities of the  
14 infrastructure development zone filing with the board a  
15 petition in writing requesting that the property be included in  
16 the infrastructure development zone. The petition shall  
17 include a legal description of the property, shall state that  
18 assent to the inclusion of the property in the infrastructure  
19 development zone is given by the fee owners thereof and shall  
20 be acknowledged by the fee owners in the same manner as  
21 required for conveyance of land;

22 (2) the board shall hear the petition at a  
23 public meeting after publication of notice of the filing of the  
24 petition, the place, time and date of the meeting, the names  
25 and addresses of the petitioners and notice that all persons

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underscoring material = new  
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1 interested shall appear at the time and place and show cause in  
2 writing why the petition should not be granted. There shall be  
3 no withdrawal from a petition after publication of notice by  
4 the board without the consent of the board. The failure of any  
5 municipality or county that may be able to provide service to  
6 the real property described in the petition, or of any person  
7 in the existing infrastructure development zone to file a  
8 written objection, shall be taken as an assent to the inclusion  
9 of the area described in the notice;

10 (3) the board shall grant or deny the  
11 petition, in whole or in part, with or without conditions, and  
12 the action of the board shall be final and conclusive, except  
13 as provided in Paragraph (4) of this subsection. If a  
14 municipality or county has filed a written objection to the  
15 inclusion, the board shall not grant the petition as to any of  
16 the real property to which adequate service is, or will be,  
17 available from the municipality or county within a reasonable  
18 time and on a comparable basis. If a petition is granted as to  
19 all or any of the real property, the board shall make an order  
20 to that effect and file the order with the county clerk of each  
21 county in which any part of the infrastructure development zone  
22 is located, and the property shall thereafter be included in  
23 the infrastructure development zone; and

24 (4) a municipality or county that has filed a  
25 written objection to the inclusion and that can provide

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1 adequate service to the real property described in the petition  
2 within a reasonable time and on a comparable basis may bring an  
3 action in the district court for the county in which the land  
4 proposed to be included is located, commenced within thirty  
5 days after entry of the order of the board, to determine  
6 whether the action of the board granting the inclusion was  
7 arbitrary, capricious or unreasonable.

8 B. In addition to the procedures specified in  
9 Subsection A of this section, additional territory may also be  
10 added to an infrastructure development zone pursuant to the  
11 following provisions:

12 (1) either:

13 (a) not less than twenty percent or two  
14 hundred, whichever number is smaller, of the taxpaying electors  
15 of an area that contains twenty-five thousand or more square  
16 feet of land may file a petition with the board in writing  
17 requesting that the area be included within the infrastructure  
18 development zone; except that no single tract of property  
19 constituting more than fifty percent of the total area to be  
20 included may be included in any infrastructure development zone  
21 without the consent of the owner thereof. The petition shall  
22 set forth a legal and a general description of the area to be  
23 included and shall be acknowledged in the same manner as  
24 required for conveyance of land; or

25 (b) the board may adopt a resolution

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1 proposing the inclusion of a specifically described area; but  
2 no single tract or parcel of property constituting more than  
3 fifty percent of the total area to be included may be included  
4 in an infrastructure development zone without the consent of  
5 the owner thereof;

6 (2) nothing in this subsection shall permit  
7 the inclusion in an infrastructure development zone of any  
8 property if a petition that objects to the inclusion and that  
9 is signed by the owners of taxable real and personal property,  
10 which property equals more than fifty percent of the total  
11 assessed value of all taxable real and personal property to be  
12 included, is filed with the board no later than ten days prior  
13 to the public meeting held under Paragraph (3) of this  
14 subsection;

15 (3) upon the filing of a petition or the  
16 adoption of a resolution pursuant to Paragraph (1) of this  
17 subsection, the board shall hear the petition or resolution at  
18 a public meeting after publication of notice of the filing of  
19 the petition or adoption of the resolution, the place, time and  
20 date of the meeting, the names and addresses of the  
21 petitioners, if applicable, the description of the area  
22 proposed for inclusion and notice that all persons interested  
23 and any municipality or county that may be able to provide  
24 service to the real property therein described shall appear at  
25 the time and place stated and show cause in writing why the

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1 petition should not be granted or the resolution not finally  
2 adopted. There shall be no withdrawal from a petition after  
3 publication of notice by the board without the consent of the  
4 board. The failure of any person in the existing  
5 infrastructure development zone to file a written objection  
6 shall be taken as an assent on that person's part to the  
7 inclusion of the area described in the notice;

8 (4) after a hearing pursuant to Paragraph (3)  
9 of this subsection, the board shall grant or deny the petition  
10 or finally adopt the resolution, in whole or in part, with or  
11 without conditions, and, subject to an election conducted  
12 pursuant to Paragraph (6) of this subsection, the action of the  
13 board shall be final and conclusive, except as provided in  
14 Paragraph (5) of this subsection. If a municipality or county  
15 has filed a written objection to the inclusion, the board shall  
16 not grant the petition or finally adopt the resolution as to  
17 any of the real property to which adequate service is, or will  
18 be, available from the municipality or county within a  
19 reasonable time and on a comparable basis;

20 (5) a municipality or county that has filed a  
21 written objection to the inclusion and that can provide  
22 adequate service to the real property described in the petition  
23 within a reasonable time and on a comparable basis may bring an  
24 action in the district court for the county in which the area  
25 proposed to be included is located, commenced within thirty

1 days after entry of the order of the board, to determine  
2 whether the action of the board granting the inclusion was  
3 arbitrary, capricious or unreasonable;

4 (6) upon final action by a board pursuant to  
5 Paragraph (4) of this subsection or affirmation by a district  
6 court pursuant to Paragraph (5) of this subsection, an election  
7 shall be held within the area sought to be included. The  
8 secretary shall give published notice of the time and place of  
9 the election and of the question to be submitted, together with  
10 a summary of any conditions attached to the proposed inclusion.  
11 The ballot shall be prepared by the board and shall  
12 substantially contain the following words:

13 "Shall the following described area become a part of the  
14 ..... infrastructure development zone upon the  
15 following conditions, if any?

16 (Insert description of area)

17 (Insert accurate summary of conditions)

18 For inclusion .....

19 Against inclusion .....";

20 (7) if the majority of the votes cast at the  
21 election are in favor of inclusion, the election official shall  
22 enter an order including any conditions so prescribed and  
23 making the area a part of the infrastructure development zone.  
24 The validity of the inclusion shall not be questioned directly  
25 or indirectly in any suit, action or proceeding; and

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1 (8) nothing in this subsection shall permit  
2 the inclusion in an infrastructure development zone of any  
3 property that could not be included in the infrastructure  
4 development zone at the time of its organization without the  
5 written consent of the owners thereof, unless the owners of the  
6 property consent in writing to the inclusion of the property in  
7 the infrastructure development zone in a petition filed  
8 pursuant to this section or unless the property is no longer  
9 excludable pursuant to the provisions of Paragraph (4) of this  
10 subsection.

11 C. Nothing in this section shall be construed to  
12 permit the inclusion in an infrastructure development zone of  
13 any real property located in a municipality or a county outside  
14 a municipality unless the governing body of the municipality or  
15 county has adopted a resolution authorizing the inclusion or  
16 waives its right to require the resolution in its sole  
17 discretion. Any resolution of approval so adopted or waiver so  
18 given shall be appended to any petition filed pursuant to  
19 Paragraph (1) of Subsection A of this section or Subparagraph  
20 (a) of Paragraph (1) of Subsection B of this section.

21 D. Not more than thirty days nor less than twenty  
22 days prior to a meeting of the board held pursuant to Paragraph  
23 (2) of Subsection A of this section or Paragraph (3) of  
24 Subsection B of this section, the secretary shall send  
25 notification by certified mail of the meeting to the property

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1 owners within the area proposed to be included within the  
 2 infrastructure development zone as listed on the records of the  
 3 county clerk on the date requested. The notification shall  
 4 indicate that it is a notice of a meeting for consideration of  
 5 the inclusion of real property within an infrastructure  
 6 development zone and shall indicate the date, time, location  
 7 and purpose of the meeting, a reference to the services of the  
 8 infrastructure development zone as described in the service  
 9 plan, the maximum mill levy, if any, or stating that there is  
 10 no maximum that may be imposed if the proposed area is included  
 11 within the infrastructure development zone, and procedures for  
 12 the filing of a petition for exclusion pursuant to Paragraph  
 13 (4) of Subsection B of this section. Except as provided in  
 14 this subsection, the mailing of the notification by certified  
 15 mail to all addresses within the area proposed to be included  
 16 within the infrastructure development zone shall constitute a  
 17 good-faith effort to comply with this section, and failure to  
 18 notify all electors by certified mail shall not provide grounds  
 19 for a challenge to the meeting being held.

20 Section 16. EFFECT OF INCLUSION ORDER.--The following  
 21 shall be applicable to any proceeding for inclusion  
 22 accomplished pursuant to Section 15 of the Infrastructure  
 23 Development Zone Act:

24 A. nothing in Section 15 of the Infrastructure  
 25 Development Zone Act shall affect the validity of any area or

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1 property included or excluded from an infrastructure  
2 development zone by virtue of prior laws;

3 B. after the date of its inclusion in an  
4 infrastructure development zone, the property shall be subject  
5 to all of the taxes and charges imposed by the infrastructure  
6 development zone and shall be liable for its proportionate  
7 share of existing bonded indebtedness of the infrastructure  
8 development zone; but it shall not be liable for any taxes or  
9 charges levied or assessed prior to its inclusion in the  
10 infrastructure development zone nor shall its entry into the  
11 infrastructure development zone be made subject to or  
12 contingent upon the payment or assumption of any tax, rate,  
13 fee, toll or charge other than the taxes, rates, fees, tolls  
14 and charges that are uniformly made, assessed or levied for the  
15 entire infrastructure development zone, without the prior  
16 consent of the fee owners or approval of the electors of the  
17 area to be included;

18 C. in the infrastructure development zone, the  
19 included property shall be liable for its proportionate share  
20 of annual operation and maintenance charges and the cost of  
21 services of the infrastructure development zone and taxes,  
22 rates, fees, tolls or charges shall be certified and levied or  
23 assessed therefor; provided that nothing in this section shall  
24 prevent an agreement between a board and the owners of property  
25 sought to be included in an infrastructure development zone

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1 with respect to the fees, charges, terms and conditions on  
2 which the property may be included;

3 D. the change of boundaries of the infrastructure  
4 development zone shall not impair nor affect its organization  
5 nor shall it affect, impair or discharge any contract,  
6 obligation, lien or charge on which it might be liable or  
7 chargeable had the change of boundaries not been made;

8 E. the order of any inclusion of territory  
9 accomplished pursuant to Section 15 of the Infrastructure  
10 Development Zone Act shall be filed in accordance with the  
11 provisions of Section 11 of that act; and

12 F. the infrastructure development zone's facility  
13 and service standards that are applied within the included area  
14 shall be compatible with the facility and service standards of  
15 adjacent municipalities.

16 Section 17. EXCLUSION OF TERRITORY.--

17 A. The boundaries of an infrastructure development  
18 zone may be altered by the exclusion of real property by the  
19 fee owners of one hundred percent of any real property situate  
20 in the infrastructure development zone filing with the board a  
21 petition requesting that the real property of the fee owners be  
22 excluded and taken from the infrastructure development zone.  
23 The petition shall set forth a legal description of the  
24 property, shall state that assent to the exclusion of the  
25 property from the infrastructure development zone is given by

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1 the fee owners thereof and shall be acknowledged by the fee  
2 owners in the same manner as required for conveyance of land.

3 B. The board shall hear the petition at a public  
4 meeting after publication of notice of the filing of the  
5 petition, the place, time and date of the meeting, the names  
6 and addresses of the petitioners, a general description of the  
7 area proposed for exclusion and notice that all persons  
8 interested shall appear at the designated time and place and  
9 show cause in writing why the petition should not be granted.  
10 There shall be no withdrawal from a petition after publication  
11 of notice by the board without the consent of the board. The  
12 failure of any person in the existing infrastructure  
13 development zone to file a written objection shall be taken as  
14 an assent on that person's part to the exclusion of the area  
15 described in the notice.

16 C. The board shall take into consideration and make  
17 a finding regarding all of the following factors when  
18 determining whether to grant or deny the petition or any  
19 portion thereof:

- 20 (1) the best interests of all of the  
21 following:
- 22 (a) the property to be excluded;
  - 23 (b) the infrastructure development zone  
24 from which the exclusion is proposed; and
  - 25 (c) the municipalities and counties in

1 which the infrastructure development zone is located;

2 (2) the relative cost and benefit to the  
3 property to be excluded from the provision of the  
4 infrastructure development zone's services;

5 (3) the ability of the infrastructure  
6 development zone to provide economical and sufficient services  
7 to both the property to be excluded and all of the properties  
8 within the infrastructure development zone's boundaries;

9 (4) the effect of denying the petition on  
10 employment and other economic conditions in the infrastructure  
11 development zone and surrounding area;

12 (5) the economic impact on the region and on  
13 the infrastructure development zone, surrounding area and state  
14 as a whole if the petition is denied or the resolution is  
15 finally adopted;

16 (6) whether an economically feasible  
17 alternative service may be available; and

18 (7) the additional cost to be levied on other  
19 property within the infrastructure development zone if the  
20 exclusion is granted.

21 D. If the board, after considering all of the  
22 factors set forth in Subsection C of this section, determines  
23 that the property described in the petition or some portion  
24 thereof should be excluded from the infrastructure development  
25 zone, it shall order that the petition be granted, in whole or

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1 in part; provided that:

2 (1) if the property to be excluded from the  
3 infrastructure development zone will be served by a proposed  
4 infrastructure development zone that is not yet organized, the  
5 board shall not order that the petition be granted until the  
6 proposed infrastructure development zone has been organized  
7 pursuant to the Infrastructure Development Zone Act, and  
8 notwithstanding any other provision of that act to the  
9 contrary, the property to be excluded may be included within  
10 the boundaries of the proposed infrastructure development zone;  
11 and

12 (2) the order of exclusion shall recite in the  
13 findings a description of any bonded indebtedness in existence  
14 immediately preceding the effective date of the order for which  
15 the excluded property is liable and the date that the bonded  
16 indebtedness is then scheduled to be retired; provided that a  
17 failure of the order for exclusion to recite the existence and  
18 scheduled retirement date of the indebtedness, when due to  
19 error or omission by the infrastructure development zone, shall  
20 not constitute grounds for correction of the omission of a levy  
21 on the excluded property from the assessment roll.

22 E. If the board, after considering all of the  
23 factors set forth in Subsection C of this section, determines  
24 that the property described in the petition should not be  
25 excluded from the infrastructure development zone, it shall

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1 order that the petition be denied, provided that:

2 (1) any petition that is denied may be  
3 appealed to the approving authority for review of the board's  
4 decision. The appeal shall be taken no later than thirty days  
5 after the decision;

6 (2) upon appeal, the approving authority shall  
7 consider the factors set forth in Subsection C of this section  
8 and shall make a determination as to whether to exclude the  
9 properties mentioned in the petition or resolution based on the  
10 record developed at the hearing before the board;

11 (3) the decision of the approving authority  
12 may be appealed, within thirty days of the approving  
13 authority's decision, to the district court for the county in  
14 which the proposed excluded area is located; and

15 (4) upon appeal, the court shall review the  
16 record developed at the hearing before the board and, after  
17 considering all of the factors set forth in Subsection C of  
18 this section, shall make a determination whether to exclude the  
19 properties mentioned in the petition or resolution.

20 Section 18. EFFECT OF EXCLUSION ORDER.--

21 A. Territory excluded from an infrastructure  
22 development zone pursuant to the provisions of Section 17 of  
23 the Infrastructure Development Zone Act shall not be subject to  
24 any property tax levied by the board for the operating costs of  
25 the infrastructure development zone. For the purpose of

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1 retiring the infrastructure development zone's outstanding  
2 indebtedness and the interest thereon existing at the effective  
3 date of the exclusion order, the infrastructure development  
4 zone shall remain intact, and the excluded territory shall be  
5 obligated to the same extent as all other property within the  
6 infrastructure development zone but only for that proportion of  
7 the outstanding indebtedness and the interest thereon existing  
8 immediately prior to the effective date of the exclusion order.  
9 The board shall levy annually a property tax on all the  
10 excluded and remaining property sufficient, together with other  
11 funds and revenues of the infrastructure development zone, to  
12 pay the outstanding indebtedness and the interest thereon. The  
13 board may also establish, maintain, enforce and, from time to  
14 time, modify the service charges, tap fees and other rates,  
15 fees, tolls and charges, upon residents or users in the area of  
16 the infrastructure development zone as it existed prior to the  
17 exclusion as may in the discretion of the board be necessary to  
18 supplement the proceeds of the tax assessments in the payment  
19 of the outstanding indebtedness and the interest thereon. In  
20 no event shall excluded territory of an infrastructure  
21 development zone become obligated for the payment of any bonded  
22 indebtedness created after the date of the court's exclusion  
23 order.

24 B. The change of boundaries of the infrastructure  
25 development zone shall not impair nor affect its organization,

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1 nor shall it affect, impair or discharge any contract,  
2 obligation, lien or charge on which it might be liable or  
3 chargeable had the change of boundaries not been made.

4 Section 19. DISSOLUTION.--

5 A. The infrastructure development zone shall be  
6 dissolved by a resolution of the board upon a determination  
7 that each of the following conditions exist:

8 (1) all improvements owned by the  
9 infrastructure development zone have been, or provision has  
10 been made for all improvements to be, conveyed to the  
11 municipality or county in which the infrastructure development  
12 zone, or the applicable part thereof, is located;

13 (2) either the infrastructure development zone  
14 has no outstanding bond obligations or the municipality or  
15 county has assumed all of the outstanding bond obligations of  
16 the infrastructure development zone; and

17 (3) all obligations of the infrastructure  
18 development zone pursuant to any development agreement with the  
19 municipality or county have been satisfied.

20 B. All property in the infrastructure development  
21 zone that is subject to the lien of taxes or special  
22 assessments shall remain subject to the lien for the payment of  
23 general obligation bonds and special assessment bonds,  
24 notwithstanding dissolution of the infrastructure development  
25 zone. The infrastructure development zone shall not be

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1 dissolved if any revenue bonds of the infrastructure  
2 development zone remain outstanding unless an amount of money  
3 sufficient, together with investment income thereon, to make  
4 all payments due on the revenue bonds either at maturity or  
5 prior redemption has been deposited with a trustee or escrow  
6 agent and pledged to the payment and redemption of the bonds.  
7 The infrastructure development zone may continue to operate  
8 after dissolution only as needed to collect money and make  
9 payments on any outstanding bonds.

10 Section 20. ELECTIONS.--

11 A. Except as provided otherwise in the  
12 Infrastructure Development Zone Act, the provisions of the  
13 Election Code shall govern all elections conducted pursuant to  
14 the Infrastructure Development Zone Act.

15 B. At an election for the organization of a new  
16 infrastructure development zone, the approving authority shall  
17 also order the submission of the proposition of issuing general  
18 obligation bonds or creating other general obligation  
19 indebtedness if the petition filed pursuant to Section 3 of the  
20 Infrastructure Development Zone Act requests that the questions  
21 be submitted at the organization election.

22 C. After an infrastructure development zone is  
23 organized and the first board is elected, the board shall  
24 govern the conduct of all subsequent regular and special  
25 elections of the infrastructure development zone and shall

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1 render all interpretations and make all decisions as to  
2 controversies or other matters arising in the conduct of the  
3 elections.

4 D. Special elections may be conducted by the board  
5 after publication and notice no less than thirty days prior to  
6 the date of the election. The notice shall be mailed to all  
7 eligible electors and shall state:

8 (1) the date, time and place of the special  
9 election;

10 (2) a summary of the question or questions to  
11 be voted upon; and

12 (3) how an eligible elector may obtain a copy  
13 of the resolution of the board in which the special election  
14 was approved.

15 E. All powers and authority granted to the board by  
16 this section for the conduct of regular or special elections  
17 may be exercised in the absence of the board by the secretary  
18 or by an assistant secretary appointed by the board. The  
19 person named by the board who is responsible for the conducting  
20 of the election shall be the designated election official.

21 F. Not less than seventy-five days nor more than  
22 ninety days before a regular infrastructure development zone  
23 election, the designated election official shall provide notice  
24 by publication of a call for nominations for the election. The  
25 call shall state the director offices to be voted upon at the

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1 election, where a self-nomination and acceptance form may be  
2 obtained, the deadline for submitting the self-nomination and  
3 acceptance form to the designated election official and  
4 information on obtaining an absentee ballot.

5 G. Not less than sixty-seven days before the date  
6 of the regular infrastructure development zone election, any  
7 person who desires to be a candidate for the office of a  
8 director shall file a self-nomination and acceptance form or  
9 letter signed by the candidate and by an eligible elector as a  
10 witness to the signature of the candidate.

11 H. On the date of signing the self-nomination and  
12 acceptance form or letter, a candidate for director shall be an  
13 eligible elector of the infrastructure development zone.

14 I. The self-nomination and acceptance form or  
15 letter shall state the name of the infrastructure development  
16 zone in which the election will be held, the director office  
17 sought by the candidate, the term of office sought if more than  
18 one length of a director's term is to be voted upon at the  
19 election, the date of the election and the full name of the  
20 candidate as it is to appear on the ballot. Unless physically  
21 unable, all candidates and witnesses shall sign their own  
22 signature and shall print their names, their respective  
23 residence addresses, including the street number and name, the  
24 city or town, the county, telephone number and the date of  
25 signature on the self-nomination and acceptance form or letter.

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1 J. The self-nomination and acceptance form or  
2 letter shall be filed with the designated election official or,  
3 if none has been designated, the presiding officer or the  
4 secretary of the board.

5 K. No person shall be permitted to vote in any  
6 election unless that person is an eligible elector.

7 Section 21. DIRECTORS--TERMS--ORGANIZATION OF BOARD.--

8 A. Of the initial board members, two directors  
9 shall serve until they or their successors are elected and  
10 qualified at the next regular election occurring in any year  
11 following that in which the infrastructure development zone was  
12 organized, and three shall serve until they or their successors  
13 are elected and qualified at the second regular election after  
14 organization. At its first meeting, the directors shall draw  
15 lots to determine the initial terms.

16 B. The basic term of office for directors, after  
17 the original terms provided in Subsection A of this section,  
18 shall be four years.

19 C. At its first meeting, the board shall elect one  
20 of its members as chair of the board and president of the  
21 infrastructure development zone, one of its members as a  
22 treasurer of the board and of the infrastructure development  
23 zone and a secretary who may be a member of the board. The  
24 secretary and the treasurer may be one person, but, if that is  
25 the case, the position shall be filled by a member of the

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1 board.

2 D. The secretary shall keep a record of all the  
3 board's proceedings, minutes of all meetings, certificates,  
4 contracts, bonds given by employees and all corporate acts,  
5 which shall be open to inspection of all eligible electors, as  
6 well as to all other interested parties.

7 E. The treasurer shall keep strict and accurate  
8 accounts of all money received by and disbursed for and on  
9 behalf of the infrastructure development zone in permanent  
10 records. The provisions of the Audit Act shall apply to all  
11 financial affairs of the infrastructure development zone.

12 F. Each director may receive as compensation for  
13 the director's service a sum not to exceed one hundred dollars  
14 (\$100) per meeting attended or one thousand six hundred dollars  
15 (\$1,600) per year.

16 G. The board shall meet regularly at a time and in  
17 a place to be designated by the board. Special meetings may be  
18 held as often as the needs of the infrastructure development  
19 zone require, upon notice to each director. All official  
20 business of the board shall be conducted only during regular or  
21 special meetings at which a quorum is present, and all meetings  
22 shall be open to the public and comply with the Open Meetings  
23 Act.

24 H. The office of the infrastructure development  
25 zone shall be at some fixed place to be determined by the

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1 board. All public records of the infrastructure development  
2 zone shall be subject to the Inspection of Public Records Act.

3 I. Any vacancy on the board shall be filled by  
4 appointment by the remaining directors, the appointee to serve  
5 until the next regular election, at which time the vacancy  
6 shall be filled by election for any remaining unexpired portion  
7 of the term. If, within sixty days of the occurrence of any  
8 vacancy, the board fails, neglects or refuses to appoint a  
9 director from the pool of any duly qualified, willing  
10 candidates, the approving authority shall appoint a director to  
11 fill the vacancy; provided that, if there are no duly elected  
12 directors and if the failure to appoint a new board will result  
13 in the interruption of services that are being provided by the  
14 infrastructure development zone, then the approving authority  
15 shall appoint all directors from the pool of duly qualified,  
16 willing candidates.

17 J. Any director elected to the board of an  
18 infrastructure development zone who has actually held office  
19 for at least six months may be recalled from office by the  
20 eligible electors of the infrastructure development zone. A  
21 petition signed by the lesser of three hundred eligible  
22 electors or forty percent of the eligible electors demanding  
23 the recall of any director named in the petition shall be filed  
24 with the board and the election shall be governed by the  
25 provisions of Section 20 of the Infrastructure Development Zone

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1 Act.

2 Section 22. GENERAL POWERS.--Except as limited by the  
3 service plan of the infrastructure development zone, the board  
4 has the following powers:

5 A. to have perpetual existence;

6 B. to have and use a corporate seal;

7 C. to sue and be sued and to be a party to suits,  
8 actions and proceedings;

9 D. pursuant to the Procurement Code, to enter into  
10 contracts and agreements affecting the affairs of the  
11 infrastructure development zone, except as otherwise provided  
12 in the Infrastructure Development Zone Act;

13 E. to borrow money and incur indebtedness and  
14 evidence the same by certificates, notes or debentures, and to  
15 issue bonds, including revenue bonds, in accordance with the  
16 provisions of Sections 28, 29 and 30 of the Infrastructure  
17 Development Zone Act, and to invest money of the infrastructure  
18 development zone in accordance with law;

19 F. to acquire, dispose of and encumber real and  
20 personal property, including rights and interests in property,  
21 leases and easements necessary to the functions or the  
22 operation of the infrastructure development zone; provided that  
23 the board shall not pay more than fair market value and  
24 reasonable settlement costs for any interest in real property  
25 and shall not pay for any interest in real property that must

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1 otherwise be dedicated for public use or the infrastructure  
2 development zone's use in accordance with any governmental  
3 ordinance, rule or law;

4 G. to refund any bonded indebtedness as provided in  
5 the Infrastructure Development Zone Act;

6 H. to have the management, control and supervision  
7 of all the business and affairs of the infrastructure  
8 development zone and all construction, installation, operation  
9 and maintenance of infrastructure development zone  
10 improvements;

11 I. to appoint, hire and retain agents, employees,  
12 engineers, managers, attorneys and consultants;

13 J. to fix and from time to time to increase or  
14 decrease fees, rates, tolls, penalties or charges for services,  
15 programs or facilities furnished by the infrastructure  
16 development zone. The board may pledge the revenue for the  
17 payment of any indebtedness of the infrastructure development  
18 zone. Until paid, all the fees, rates, tolls, penalties or  
19 charges shall constitute a perpetual lien on and against the  
20 property served, and any lien may be foreclosed in the same  
21 manner as provided by the laws for the foreclosure of  
22 mechanics' liens. Notwithstanding any other provision to the  
23 contrary, the board may waive or amortize all or part of the  
24 tap fees and connection fees or extend the time period for  
25 paying all or part of the fees for property within the

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1 infrastructure development zone in order to facilitate the  
2 construction, ownership and operation of affordable housing on  
3 the property. However, the board shall have the authority to  
4 condition the waiver, amortization or extension upon the  
5 recordation against the property of a deed restriction, lien or  
6 other lawful instrument requiring the payment of the fees in  
7 the event that the property's use as affordable housing is  
8 discontinued;

9 K. to furnish services and facilities without the  
10 boundaries of the infrastructure development zone and to  
11 establish fees, rates, tolls, penalties or charges for the  
12 services and facilities;

13 L. to accept, on behalf of the infrastructure  
14 development zone, real or personal property for the use of the  
15 infrastructure development zone and to accept gifts and  
16 conveyances made to the infrastructure development zone upon  
17 the terms or conditions as the board may approve;

18 M. to adopt, amend and enforce bylaws and rules not  
19 in conflict with the constitution and laws of this state for  
20 carrying on the business, objects and affairs of the board and  
21 of the infrastructure development zone;

22 N. to have and exercise all rights and powers  
23 necessary or incidental to or implied from the specific powers  
24 granted to infrastructure development zones by the  
25 Infrastructure Development Zone Act. The specific powers shall

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1 not be considered as a limitation upon any power necessary or  
2 appropriate to carry out the purposes and intent of the  
3 Infrastructure Development Zone Act;

4 O. to authorize the use of electronic records or  
5 signatures and adopt rules, standards, policies and procedures  
6 for use of electronic records or signatures;

7 P. to enter into contracts with public utilities,  
8 cooperative electric associations and municipalities for the  
9 purpose of furnishing street-lighting service;

10 Q. to erect and maintain, in providing safety  
11 protection services, traffic and safety controls and devices on  
12 streets and highways and at railroad crossings, and to enter  
13 into agreements with each county in which an infrastructure  
14 development zone is located or with adjoining counties, the  
15 department of transportation or railroad companies for the  
16 erection of the safety controls and devices and for the  
17 construction of underpasses or overpasses at railroad  
18 crossings;

19 R. to finance line extension charges for new  
20 telephone construction for the purpose of furnishing telephone  
21 service exclusively in infrastructure development zones that  
22 have no property zoned or valued for assessment as residential;

23 S. to establish, maintain and operate a system to  
24 transport the public by bus, rail or any other means of  
25 conveyance, or any combination thereof;

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1           T. to furnish security services for any area within  
2 the infrastructure development zone. This power may be  
3 exercised only after the infrastructure development zone has  
4 provided written notification to, consulted with and obtained  
5 the written consent of all local law enforcement agencies  
6 having jurisdiction within the area. Any local law enforcement  
7 agency having jurisdiction within the area may subsequently  
8 withdraw its consent after consultation with and providing  
9 written notice of the withdrawal to the board;

10           U. to furnish covenant enforcement and design  
11 review services within the infrastructure development zone only  
12 if the revenues used to furnish the services are derived from  
13 the area in which the service is furnished; and

14           V. to provide activities in support of business  
15 recruitment, management and development within the  
16 infrastructure development zone.

17           Section 23. PARK AND RECREATIONAL SERVICES--ADDITIONAL  
18 POWERS--LIMITATIONS.--In addition to the powers specified in  
19 Section 22 of the Infrastructure Development Zone Act, if  
20 within the scope of the service plan, the board has the  
21 following powers for and on behalf of the infrastructure  
22 development zone:

23           A. to operate a system of television relay and  
24 translator facilities and to use, acquire, equip and maintain  
25 land, buildings and other recreational facilities therefor; and

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1           B. to use the power granted in Section 22 of the  
 2 Infrastructure Development Zone Act for the establishment of  
 3 recreational facilities, including leases, easements and other  
 4 interests in land for the preservation or conservation of  
 5 sites, scenes, open space and vistas of recreational,  
 6 scientific, historic, aesthetic or other public interest. As  
 7 used in this subsection, "interests in land" means any rights  
 8 and interests in land less than the full fee interest,  
 9 including future interests, easements, covenants and  
 10 contractual rights. Every interest in land, held pursuant to  
 11 this subsection, when recorded shall be deemed to run with the  
 12 land to which it pertains for the benefit of the park and  
 13 recreation services of the infrastructure development zone and  
 14 may be protected and enforced by the infrastructure development  
 15 zone in any court of general jurisdiction by any proceeding  
 16 known at law or in equity.

17           Section 24. SANITATION, WATER AND SANITATION OR WATER  
 18 SERVICES--ADDITIONAL POWERS.--In addition to the powers  
 19 specified in Section 22 of the Infrastructure Development Zone  
 20 Act, the board, if within the scope of the service plan, has  
 21 the following powers relating to sanitation, water and  
 22 sanitation and water services for and on behalf of the  
 23 infrastructure development zone:

24           A. with the consent of the approving authority, to  
 25 compel the owner of premises located within the boundaries of

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1 the infrastructure development zone, whenever necessary for the  
2 protection of public health, to connect the owner's premises,  
3 in accordance with the state codes, to the sewer, water and  
4 sewer, or water lines, as applicable, of the infrastructure  
5 development zone within twenty days after written notice is  
6 sent by registered mail, if the sewer or water line is within  
7 four hundred feet of the premises. If the connection is not  
8 begun within twenty days, the board may thereafter connect the  
9 premises to the sewer, water and sewer, or water system, as  
10 applicable, of the infrastructure development zone and shall  
11 have a perpetual lien on and against the premises for the cost  
12 of making the connection. The lien may be foreclosed in the  
13 same manner as provided by the laws of this state for the  
14 foreclosure of mechanics' liens; provided that nothing in this  
15 subsection shall be construed as authorizing the board of an  
16 infrastructure development zone to compel any connection with  
17 the sewer, water and sewer, or water lines, as applicable, of  
18 the infrastructure development zone, by any owner of premises  
19 located outside of the infrastructure development zone who  
20 utilizes private or nongovernmental persons, services, systems  
21 or facilities;

22 B. to divide the infrastructure development zone  
23 into areas according to the water or sanitation services  
24 furnished or to be furnished therein. The board has the power  
25 to fix different rates, fees, tolls or charges and different

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1 rates of levy for tax purposes against all of the taxable  
2 property within the several areas of the infrastructure  
3 development zone according to the services and facilities  
4 furnished or to be furnished therein within a reasonable time;

5 C. if the board divides an infrastructure  
6 development zone into areas according to the facilities and  
7 services furnished or to be furnished, to determine the amount  
8 of money necessary to be raised by taxation within each area,  
9 taking into consideration other sources of revenue within the  
10 area, and to fix a levy that, when levied upon every dollar of  
11 the valuation for assessment of taxable property within the  
12 area of the infrastructure development zone, will supply funds  
13 for the payments of the costs of acquiring, operating and  
14 maintaining the services or facilities furnished in the area  
15 and will pay promptly, when due, the principal or interest on  
16 bonds or other obligations issued and its pro rata share of the  
17 general operating expenses of the infrastructure development  
18 zone;

19 D. to establish, construct, operate and maintain  
20 works and facilities across or along any public street or  
21 highway, and in, upon or over any vacant public lands and  
22 across any stream of water or watercourse. The governing body  
23 of a county in which any public streets or highways are  
24 situated, which are to be cut into or excavated in the  
25 construction or maintenance of any the facilities, has

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1 authority to adopt by resolution the rules as it deems  
2 necessary in regard to the excavations and may require the  
3 payment of reasonable fees by the infrastructure development  
4 zone as may be fixed by the governing body to ensure proper  
5 restoration of the streets or highways;

6 E. to assess reasonable penalties for delinquency  
7 in the payment of rates, fees, tolls or charges or for any  
8 violations of the rules of the infrastructure development zone  
9 together with interest on delinquencies from any date due at  
10 not more than one percent per month or fraction thereof; to  
11 shut off or discontinue water or sanitation service for the  
12 delinquencies and delinquencies in the payment of taxes or for  
13 any violation of the rules of the infrastructure development  
14 zone; and to provide for the connection with and the  
15 disconnection from the facilities of the infrastructure  
16 development zone;

17 F. to acquire water rights and construct and  
18 operate lines and facilities within and without the  
19 infrastructure development zone;

20 G. to fix and from time to time to increase or  
21 decrease tap fees. The board may pledge the revenue for the  
22 payment of any indebtedness of the infrastructure development  
23 zone; and

24 H. to assess availability of service or facilities  
25 charges subject to the following provisions:

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1 (1) no fee, rate, toll or charge for  
2 connection to or use of services or facilities of the  
3 infrastructure development zone shall be considered an  
4 availability of service or facilities charge;

5 (2) any availability of service or facilities  
6 charges shall be made only when a notice, stating that the  
7 availability of service or facilities charges are being  
8 considered and stating the date, time and place of the meeting  
9 at which they are to be considered, has been mailed by  
10 first-class United States mail, postage prepaid, to each  
11 taxpaying elector of the infrastructure development zone at the  
12 taxpaying elector's last-known address, as disclosed by the tax  
13 records of the county within which the infrastructure  
14 development zone is located;

15 (3) availability of service or facilities  
16 charges shall be assessed solely for the purpose of paying  
17 principal of and interest on any outstanding indebtedness or  
18 bonds of the infrastructure development zone and shall not be  
19 used to pay any operation or maintenance expenses of, nor  
20 capital improvements within or for, the infrastructure  
21 development zone;

22 (4) availability of service or facilities  
23 charges shall be assessed only where water, sewer or both water  
24 and sewer lines are installed and ready for connection within  
25 one hundred feet of any property line of the residential lot or

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1 residential lot equivalent to be assessed, but to one or both  
2 of which line or lines the particular lot or lot equivalent to  
3 be assessed is not connected; and

4 (5) availability of service or facilities  
5 charges shall be a percentage, not to exceed fifty percent, of  
6 the fees, rates, tolls or charges for use of services or  
7 facilities of the infrastructure development zone, said  
8 percentage to be determined by the board. If the fees, rates,  
9 tolls or charges for the use of services or facilities vary  
10 dependent upon quantities of usage, the availability of service  
11 or facilities charges shall be a percentage, determined by the  
12 board, not to exceed fifty percent, of the average usage  
13 derived by dividing the total usage quantity for the  
14 infrastructure development zone for the last preceding fiscal  
15 year by the total number of users in the infrastructure  
16 development zone. In addition, the aggregate amount of revenue  
17 budgeted and expected to be derived from availability of  
18 service or facilities charges shall not exceed the total amount  
19 of principal of and interest on the outstanding indebtedness or  
20 bonds of the infrastructure development zone for the service  
21 currently budgeted for and to mature or accrue during the  
22 annual period within which the availability of service or  
23 facilities charges are payable, less the amount budgeted and  
24 expected to be produced during the period by the mill levy  
25 allocable to the service then being budgeted for and levied and

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1 assessed by the infrastructure development zone.

2 Section 25. SUBDISTRICTS.--

3 A. The board may divide the infrastructure  
4 development zone into one or more areas consistent with the  
5 services to be furnished therein. However, any facility  
6 operated by the infrastructure development zone within the area  
7 may be used by any resident of the infrastructure development  
8 zone for the same fee charged to persons residing within the  
9 area. Whenever the board divides the infrastructure  
10 development zone into one or more areas pursuant to this  
11 section, the board shall provide notification of the action to  
12 each governing body with zoning jurisdiction over territory  
13 included in the infrastructure development zone. Each  
14 governing body that is entitled to the notification may elect,  
15 within thirty days after the notification, to treat the action  
16 as a material modification of the infrastructure development  
17 zone service plan in accordance with Section 14 of the  
18 Infrastructure Development Zone Act.

19 B. Any area created pursuant to this section shall  
20 be a subdistrict of the infrastructure development zone. A  
21 subdistrict shall be an independent political subdivision,  
22 shall act pursuant to the provisions of the Infrastructure  
23 Development Zone Act and shall possess all of the rights,  
24 privileges and immunities of the infrastructure development  
25 zone. The subdistrict shall be subject to the service plan of

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1 the infrastructure development zone.

2 C. The board of the infrastructure development zone  
3 shall constitute ex officio the board of directors of the  
4 subdistrict. The presiding officer of the board shall be ex  
5 officio the presiding officer of the subdistrict, the secretary  
6 of the board shall be ex officio the secretary of the  
7 subdistrict and the treasurer of the board shall be ex officio  
8 the treasurer of the subdistrict. The debt of the subdistrict  
9 shall be treated separately from the debt of the infrastructure  
10 development zone and shall not be treated as debt of the  
11 infrastructure development zone; provided that the total debt  
12 of the infrastructure development zone and all subdistricts  
13 shall not exceed any debt limits specified in the service plan  
14 of the infrastructure development zone.

15 D. The board shall make any determination specified  
16 in Subsection A of this section by resolution adopted at a  
17 regular or special meeting of the board after publication of  
18 notice of the purpose of the public meeting and the place, time  
19 and date of the meeting.

20 E. No resolution dividing the infrastructure  
21 development zone into one or more subdistricts shall be adopted  
22 by the board if a petition objecting to the division is signed  
23 by the owners of taxable real and personal property, consisting  
24 of more than fifty percent of the total valuation for  
25 assessment of all taxable real and personal property within the

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1 proposed subdistrict boundaries, and is filed with the board no  
2 later than five days prior to the public meeting; provided,  
3 however, that the board may change the geographical boundaries  
4 of the subdistrict at the public meeting.

5 F. If taxes are to be levied or debt is to be  
6 created within a subdistrict of the infrastructure development  
7 zone, the board shall submit a ballot issue approving the taxes  
8 or debt to the eligible electors within the subdistrict at a  
9 regular infrastructure development zone election or at a  
10 special election.

11 Section 26. REVENUES.--The projects to be constructed or  
12 acquired as shown in the service plan may be financed from the  
13 following sources of revenue:

14 A. proceeds received from the sale of bonds of the  
15 infrastructure development zone;

16 B. money of the municipality or county contributed  
17 to the infrastructure development zone;

18 C. annual property taxes or special assessments;

19 D. state or federal grants or contributions;

20 E. private contributions;

21 F. user, landowner and other fees, tolls and  
22 charges;

23 G. proceeds of loans or advances; and

24 H. any other money available to the infrastructure  
25 development zone by law.

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1           Section 27. STATE CAPITAL OUTLAY PROJECTS PROHIBITED.--An  
2 infrastructure development zone shall not request nor receive  
3 state funding for a capital outlay project; provided that this  
4 prohibition does not apply to buildings or facilities that may  
5 be located within an infrastructure development zone but that  
6 are owned by the state or one of its agencies, institutions or  
7 other political subdivisions or that are financed through the  
8 Statewide Economic Development Finance Act.

9           Section 28. GENERAL OBLIGATION BONDS--TAX LEVY--  
10 EXCEPTION.--

11           A. At any time after the organization of the  
12 infrastructure development zone, the board may order and call a  
13 general obligation bond election to submit to the eligible  
14 electors the question of authorizing the infrastructure  
15 development zone to issue general obligation bonds of the  
16 infrastructure development zone to provide money for any  
17 services consistent with the service plan. If included in the  
18 petition filed pursuant to Section 3 of the Infrastructure  
19 Development Zone Act, the question of authorizing general  
20 obligations bonds may also be held in conjunction with the  
21 organization election.

22           B. If general obligation bonds are approved at an  
23 election, the board may issue and sell general obligation bonds  
24 of the infrastructure development zone.

25           C. Bonds may be sold in a public offering or in a

1 negotiated sale.

2 D. After the bonds are issued, the board shall  
3 enter in its minutes a record of the bonds sold and their  
4 numbers and dates and shall annually levy and cause a property  
5 tax to be collected, at the same time and in the same manner as  
6 other property taxes are levied and collected on all taxable  
7 property in the infrastructure development zone, sufficient,  
8 together with any money from the sources described in Section  
9 26 of the Infrastructure Development Zone Act to pay debt  
10 service on the bonds when due. Money derived from the levy of  
11 property taxes that are pledged to pay the debt service on the  
12 bonds shall be kept separately from other funds of the  
13 infrastructure development zone. Property tax revenues not  
14 pledged to pay debt service on bonds may be used to pay other  
15 costs of the infrastructure development zone, including costs  
16 of organization, administration, operation and maintenance,  
17 services or enhanced services. An infrastructure development  
18 zone's levy of property taxes shall constitute a lien on all  
19 taxable property within the infrastructure development zone,  
20 including all leased property or improvements to leased land,  
21 which shall be subject to foreclosure in the same manner as  
22 other property tax liens under the laws of this state. The  
23 lien shall include delinquencies and interest thereon at a rate  
24 not to exceed ten percent per year, the actual costs of  
25 foreclosure and any other costs of the infrastructure

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1 development zone resulting from the delinquency. The proceeds  
2 of any foreclosure sale shall be deposited in the special bond  
3 fund for payment of any obligations secured thereby.

4 E. Subject to the election requirements of this  
5 section, an infrastructure development zone may issue general  
6 obligation bonds at such times and in such amounts as the  
7 infrastructure development zone deems appropriate to carry out  
8 a project or projects in phases.

9 F. Pursuant to this section, the infrastructure  
10 development zone may issue and sell refunding bonds to refund  
11 general obligation bonds of the infrastructure development zone  
12 authorized by the Infrastructure Development Zone Act. No  
13 election is required in connection with the issuance and sale  
14 of refunding bonds. Refunding bonds issued pursuant to this  
15 section shall have a final maturity date no later than the  
16 final maturity date of the bonds being refunded.

17 Section 29. SPECIAL ASSESSMENT--BONDS--IMPOSITION.--

18 A. At any time after the organization of the  
19 infrastructure development zone, the board may from time to  
20 time order that a hearing be held to determine whether a  
21 special assessment should be imposed and special assessment  
22 bonds issued to provide money for any services consistent with  
23 the service plan. The question of imposing a special  
24 assessment may be considered at the hearing on infrastructure  
25 development zone organization upon notice that both issues will

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1 be heard at that time, which notice shall include the  
2 information required in Subsection B of this section.

3 B. Notice of hearing shall be provided by  
4 publication of a notice at least thirty days in advance of the  
5 hearing itself. The notice shall include the following:

6 (1) a description of the method by which the  
7 amount of the proposed special assessment will be determined  
8 for each class of property to which the levy is proposed to  
9 apply, in sufficient detail to enable the owner of the affected  
10 parcel to determine the amount of the special assessment;

11 (2) a description of the project to be  
12 financed with special assessment bonds or revenues; and

13 (3) a statement that any person affected by  
14 the proposed special assessment may object in writing or in  
15 person at the hearing.

16 C. After a hearing on the proposed special  
17 assessment and the issuance of special assessment bonds, the  
18 board shall, based upon the evidence presented at the hearing,  
19 issue a decision as to whether to impose a special assessment  
20 and, if so, the method of assessment for each class of property  
21 and the project to be financed thereby. The decision shall  
22 also respond to each objection to the assessment raised at the  
23 hearing.

24 D. Special assessment bonds may be sold in a public  
25 offering or in a negotiated sale.

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1           E. After the bonds are issued, the board shall  
2 enter in its minutes a record of the bonds sold and their  
3 numbers and dates, and shall annually impose and cause a  
4 special assessment to be collected, at the same time and in the  
5 same manner as property taxes are levied and collected on all  
6 property within the infrastructure development zone that may be  
7 subject to the assessment, including all leased property or  
8 improvements to leased land, sufficient, together with any  
9 other money lawfully available to pay debt service on the bonds  
10 when due, except to the extent that the board has provided for  
11 other imposition, collection and foreclosure procedures in  
12 connection with special assessments. Money derived from the  
13 imposition of the special assessment when collected that is  
14 pledged to pay the debt service on the bonds shall be kept  
15 separately from other funds of the infrastructure development  
16 zone. Special assessment revenues not pledged to pay debt  
17 service on bonds may be used to pay other costs of the  
18 infrastructure development zone, including costs of  
19 organization, administration, operation and maintenance,  
20 service or enhanced services.

21           F. The board shall specify conditions under which  
22 the obligation to pay special assessments may be prepaid and  
23 permanently satisfied.

24           G. Special assessments against privately owned  
25 residential property shall be subject to the following

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1 provisions:

2 (1) the maximum amount of special assessment  
3 that may be imposed shall not be increased over time by an  
4 amount exceeding two percent per year, except that the amount  
5 of special assessment actually imposed may be increased by up  
6 to ten percent as a result of the delinquency or default by the  
7 owner of any other parcel within the infrastructure development  
8 zone;

9 (2) the special assessment shall be imposed  
10 for a specified time period, after which no further special  
11 assessment shall be imposed and collected, except that special  
12 assessments imposed solely to finance the cost of ongoing  
13 infrastructure development zone services, maintenance or  
14 operations or enhanced services may be levied while such  
15 services, maintenance or operations or enhanced services are  
16 continuing; and

17 (3) nothing in this subsection shall preclude  
18 the establishment of different categories of residential  
19 property or changing the amount of the special assessments for  
20 a parcel whose size or use is changed. A change in the amount  
21 of a special assessment imposed upon a parcel due to a change  
22 in its size or use shall not require voter approval if the  
23 method for changing the amount of special assessment was  
24 approved in the election approving the special assessment in  
25 sufficient detail to enable the owner of the affected parcel to

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1 determine how the change in size or use of the parcel would  
2 affect the amount of the special assessment.

3 H. An infrastructure development zone's imposition  
4 of a special assessment shall constitute a lien on the property  
5 within the infrastructure development zone subject to the  
6 special assessment, including property acquired by the state or  
7 its political subdivisions after imposition of the special  
8 assessment, which shall be effective during the period in which  
9 the special assessment is imposed and shall have priority  
10 co-equal to the lien of property taxes. A special assessment  
11 shall be subject to foreclosure by the infrastructure  
12 development zone at any time after six months following written  
13 notice of delinquency to the owner of the real property to  
14 which the delinquency applies. The lien shall include  
15 delinquencies, penalties and interest thereon at a rate not to  
16 exceed the maximum legal rate of interest per year and  
17 penalties otherwise applicable for delinquent property taxes,  
18 the infrastructure development zone's actual costs of  
19 foreclosure and any other costs of the infrastructure  
20 development zone resulting from the delinquency. All rights of  
21 redemption applicable to property sold in connection with  
22 property tax foreclosures pursuant to the laws of this state  
23 shall apply to property sold following foreclosure of a special  
24 assessment lien. The portion of proceeds of any foreclosure  
25 sale necessary to discharge the lien for the special assessment

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1 shall be deposited in the special bond fund for payment of any  
2 obligations secured thereby.

3 I. No holder of special assessment bonds issued  
4 pursuant to the Infrastructure Development Zone Act may compel  
5 any exercise of the taxing power of the infrastructure  
6 development zone, municipality or county to pay the bonds or  
7 the interest on the bonds. Special assessment bonds issued  
8 pursuant to that act are not a debt of the infrastructure  
9 development zone, municipality or county, nor is the payment of  
10 special assessment bonds enforceable out of any money other  
11 than the revenue pledged to the payment of the bonds.

12 J. Subject to the requirements of this section, an  
13 infrastructure development zone may issue special assessment  
14 bonds at such times and in such amounts as the board deems  
15 appropriate to carry out a project or projects in phases.

16 K. Pursuant to this section, the board may issue  
17 and sell refunding bonds to refund any special assessment bonds  
18 of the infrastructure development zone authorized by the  
19 Infrastructure Development Zone Act. Refunding bonds issued  
20 pursuant to this section shall have a final maturity date no  
21 later than the final maturity date of the bonds being refunded.

22 Section 30. REVENUE BONDS--FEES AND CHARGES.--

23 A. At any time after the organization of the  
24 infrastructure development zone, the board may hold a hearing  
25 on the question of authorizing the board to issue one or more

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1 series of revenue bonds of the infrastructure development zone  
2 to provide money for any public infrastructure purposes  
3 consistent with the service plan.

4 B. If revenue bonds are approved by resolution, the  
5 board may issue and sell revenue bonds of the infrastructure  
6 development zone.

7 C. The revenue bonds may be sold in a public  
8 offering or in a negotiated sale; however, if the bonds are to  
9 be sold in a public offering, no revenue bonds may be issued by  
10 the infrastructure development zone unless the revenue bonds  
11 receive one of the four highest investment grade ratings by a  
12 nationally recognized bond rating agency.

13 D. The board may pledge to the payment of its  
14 revenue bonds any revenues of the infrastructure development  
15 zone or revenues to be collected by the municipality or county  
16 in trust for the infrastructure development zone and returned  
17 to the infrastructure development zone.

18 E. The infrastructure development zone shall  
19 prescribe fees and charges, and shall revise them when  
20 necessary, to generate revenue sufficient, together with any  
21 money from the sources described in Section 26 of the  
22 Infrastructure Development Zone Act, to pay when due the  
23 principal and interest of all revenue bonds for the payment of  
24 which revenue has been pledged. The establishment or revision  
25 of any rates, fees and charges shall be identified and noticed

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1 concurrently with the annual budget process of the  
2 infrastructure development zone pursuant to Section 32 of the  
3 Infrastructure Development Zone Act.

4 F. If, in the resolution of the board, the revenues  
5 to be pledged are limited to certain types of revenues, only  
6 those types of revenues may be pledged and only those revenues  
7 shall be maintained.

8 G. No holder of revenue bonds issued pursuant to  
9 the Infrastructure Development Zone Act may compel any exercise  
10 of the taxing power of the infrastructure development zone,  
11 municipality or county to pay the bonds or the interest on the  
12 bonds. Revenue bonds issued pursuant to that act are not a  
13 debt of the infrastructure development zone, municipality or  
14 county, nor is the payment of revenue bonds enforceable out of  
15 any money other than the revenue pledged to the payment of the  
16 bonds.

17 H. Subject to the requirements of this section, an  
18 infrastructure development zone may issue revenue bonds at such  
19 times and in such amounts as the board deems appropriate to  
20 carry out a project in phases.

21 I. Pursuant to this section, the infrastructure  
22 development zone may issue and sell refunding bonds to refund  
23 revenue bonds of the infrastructure development zone authorized  
24 by the Infrastructure Development Zone Act. Refunding bonds  
25 issued pursuant to this section shall have a final maturity

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1 date no later than the final maturity date of the bonds being  
2 refunded.

3 Section 31. TERM OF BONDS.--For any bonds issued in  
4 connection with Section 28, 29 or 30 of the Infrastructure  
5 Development Zone Act, the board shall prescribe the  
6 denominations of the bonds, the principal amount of each issue  
7 and the form of the bonds and shall establish the maturities,  
8 which shall not exceed thirty years, interest payment dates and  
9 interest rates, whether fixed or variable, not exceeding the  
10 maximum rate stated in the notice of the election or the  
11 resolution of the board. The bonds may be sold by competitive  
12 bid or negotiated sale for public or private offering at, below  
13 or above par. The proceeds of the bonds shall be deposited  
14 with the treasurer, or with a trustee or agent designated by  
15 the board, to the credit of the infrastructure development zone  
16 to be withdrawn for the purposes provided by the Infrastructure  
17 Development Zone Act. Pending that use, the proceeds may be  
18 invested as determined by the board. The bonds shall be made  
19 payable as to both principal and interest solely from revenues  
20 of the infrastructure development zone, and shall specify the  
21 revenues pledged for such purposes, and shall contain such  
22 other terms, conditions, covenants and agreements as the board  
23 deems proper. The bonds may be payable from any combination of  
24 taxes, assessments or other revenues collected or received  
25 pursuant to the Infrastructure Development Zone Act.

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1           Section 32. PETITION FOR TAX REDUCTION--ANNUAL FINANCIAL  
2 ESTIMATE--BUDGET--CERTIFICATION TO LOCAL GOVERNMENT DIVISION.--

3           A. Upon presentation to the board of a petition  
4 signed by the owners of a majority of the property in the  
5 infrastructure development zone, the board shall adopt a  
6 resolution to reduce or eliminate the portion of a tax or  
7 special assessment, beginning the next fiscal year, required  
8 for one or more services specified in the petition. Signatures  
9 on a petition to reduce or eliminate a tax or special  
10 assessment shall be valid for a period of sixty days.

11           B. When levying a property tax or imposing a  
12 special assessment, the board shall make annual statements and  
13 estimates of the operation and maintenance expenses of the  
14 infrastructure development zone, the costs of services to be  
15 financed by the taxes or special assessment and the amount of  
16 all other expenditures for services proposed to be paid from  
17 the taxes or special assessment and of the amount to be raised  
18 to pay general obligation bonds of the infrastructure  
19 development zone or special assessment bonds, all of which  
20 shall be provided for by the levy and collection of property  
21 taxes on the net taxable value of the real property in the  
22 infrastructure development zone or by the imposition and  
23 collection of special assessments. The board shall file the  
24 annual statements and estimates with the county clerk for each  
25 county in the infrastructure development zone. The board shall

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1 publish a notice of the filing of the estimate, shall hold  
2 hearings on the portions of the estimate not relating to debt  
3 service on general obligation bonds or special assessment bonds  
4 and shall adopt a budget. The board, on or before the date set  
5 by law for certifying the annual budget of the municipality or  
6 county, shall fix, levy and assess the amounts to be raised by  
7 property taxes or special assessments of the infrastructure  
8 development zone and shall cause certified copies of the order  
9 to be delivered to the local government division of the  
10 department of finance and administration. All statutes  
11 relating to the levy and collection of property taxes,  
12 including the collection of delinquent taxes and sale of  
13 property for nonpayment of taxes, apply to infrastructure  
14 development zone property taxes and to special assessments,  
15 except to the extent that the board has provided for other  
16 imposition, collection and foreclosure procedures in connection  
17 with special assessments.

18 Section 33. BONDS NOT OBLIGATION OF STATE.--Except as  
19 otherwise provided in the Infrastructure Development Zone Act,  
20 all bonds or other obligations issued pursuant to that act are  
21 payable solely from the revenues of the infrastructure  
22 development zone that may be pledged to the payment of such  
23 obligations, and the bonds or other obligations shall not  
24 create an obligation, debt or liability of the state or any  
25 other of its political subdivisions. No breach of any pledge,

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underscoring material = new  
[bracketed material] = delete

1 obligation or agreement of an infrastructure development zone  
2 shall impose a pecuniary liability or a charge upon the general  
3 credit or taxing power of the state or any other of its  
4 political subdivisions.

5 Section 34. EXEMPTION FROM COMMUNITY SERVICE DISTRICT ACT  
6 AND SPECIAL DISTRICT PROCEDURES ACT.--Infrastructure  
7 development zones and the provisions of the Infrastructure  
8 Development Zone Act are exempt from the provisions of the  
9 Community Service District Act and the Special District  
10 Procedures Act.

11 Section 35. CUMULATIVE AUTHORITY.--The Infrastructure  
12 Development Zone Act shall be deemed to provide an additional  
13 and alternative method for the doing of things authorized by  
14 that act, and shall be regarded as supplemental and additional  
15 to powers conferred by other laws and shall not be regarded as  
16 in derogation of any powers now existing; provided that the  
17 issuance of bonds under the provisions of the Infrastructure  
18 Development Zone Act need not comply with the requirements of  
19 any other law applicable to the issuance of bonds.

20 Section 36. LIBERAL INTERPRETATION.--The Infrastructure  
21 Development Zone Act, being necessary for the welfare of the  
22 state and its inhabitants, shall be liberally construed to  
23 effect the purposes of that act.